

## **REMARKS/ARGUMENTS**

Applicant thanks the Examiner for the indication of allowance with respect to claims 6-8, provided that they were rewritten in independent form. Applicant has done so.

The Examiner has objected to the drawings on the ground that reference numeral 39 for the zipper (Fig. 2) is not found in the specification, which currently refers to the zipper with reference numeral “38a” in paragraph [0032]. The Examiner has accordingly required applicant to change “39” in Fig. 2 to “38a”. However, applicant notes that reference numeral “38a” is also used in paragraph [0042] and in Fig. 5 to refer to ground flaps. Applicant accordingly requests that a correction to the written specification, changing “38a” to “39” in paragraph [0032] to refer to the zipper already labeled “39” in Fig. 2, be accepted in place of the proposed drawing correction to traverse the rejection.

The Examiner has objected to the disclosure on the ground that rear arch pole “22” should be “26” in keeping with the drawings. Applicant has amended paragraph [0029] accordingly, and the objection is traversed.

The Examiner has given a provisional rejection on the ground of nonstatutory obviousness-type double patenting in view of claims 1-18 of copending Application No. 10/673,286 (attorney docket no. TTT-002-A). Applicant accordingly submits a terminal disclaimer herewith to traverse the rejection.

The Examiner has given a provisional rejection on the ground of nonstatutory obviousness-type double patenting in view of claims 1-19 of copending Application No. 11/129,777 (attorney docket no. TTT-003-A). Applicant respectfully submits that a terminal disclaimer is unnecessary and even inappropriate, since 1) the claims of the present application have now been amended, 2) the claims of the ‘777 application are significantly

and patentably different even from the un-amended original claims of the present application, and 3) applicant has identified the subject matter of the present application as prior art to the shelter claimed in the '777 application (please see the Background, paragraph 8 of the '777 application, and the May 27, 2005 Information Disclosure Statement filed in the '777 application). This provisional rejection is accordingly believed to be traversed.

The Examiner has rejected claims 1, 2, 4, 5, 9-10 and 14 under 35 U.S.C. 102(b) in view of the 08/02/2002 archived [www.tarptent.com](http://www.tarptent.com) webpage. For ease of reference, the archived 2002 shelter being referenced by the Examiner will be referred to as the 1<sup>st</sup>-gen Squall.

The 1<sup>st</sup>-gen Squall shelter had an inwardly-angled rear arch with a protective awning (see the photos on the archived webpage, and the discussion of the 1<sup>st</sup>-gen Squall in paragraph [0007] of the present application, under Background]. The present application claims an *outwardly*-angled rear arch as a feature of all of the rejected claims. This traverses the rejection under §102(b). The outwardly-angled rear arch allows for better rain protection with reduced rear awning tension, which is important where the rear awning is the only weather protection for the ventilating rear screened opening. In view of this, and in view of the rejection of some of these claims under §103 below in view of Coupounas (which shows an outwardly-angled rear arch), applicant has additionally amended claim 1 to further distinguish it from both the 1<sup>st</sup>-gen Squall and the Coupounas reference. The rejection is accordingly believed to be traversed.

The Examiner has rejected claims 11-13 under 35 U.S.C. 103(a) in view of the 1<sup>st</sup>-gen Squall, on the ground that “to have formed the outer and central guy lines as a single adjustable [slidable] guy would have been obvious ... to allow for a single adjustment to

adjust all three guy lines.” (Emphasis added). Applicant respectfully traverses this rejection as follows. Applicant refers the Examiner’s attention to the attached “legacy” instruction sheet for the 1<sup>st</sup>-gen Squall (dating back to at least to the 8/2/2002 archived webpage cited by the Examiner, but still available on the current website), showing more detail on the rear guy lines. The 1<sup>st</sup>-gen Squall rear guylines consisted of outer guylines formed by an outer cord in a V-shape pulled over a single stake, and a separate center guyline looped independently around the stake and connected back onto itself with a “line tightener”. The instructions stated that “The tension on the arc is designed to be supplied mostly by the outside lines so pull the beak taut using these lines”, and “you can pull [the rear arc] out by the rear stake (loosen the center line first) ... . Now attach and tighten the center line just enough to keep the beak [rear awning] from flapping.” Adjustment required the user to “wiggle the placement of the rear arc to get even tension on both sides. You can pull it out by the rear stake (loosen the center line first) to sort of ‘pop it into place’.”

Applicant respectfully submits that nothing in the 1<sup>st</sup>-gen rear guy line arrangement suggests the Examiner’s *adjustment* argument, and that the details of the 1<sup>st</sup>-gen guyline structure and the instructions for adjustment point away from the Examiner’s suggestion, since the center line was an independently attached, beak-flap-preventing line rather than an arch tensioning line, and further since it was instructed that the center line be loosened before making tension adjustments to the arch. Further, the rejection does not appear to address the structure of claim 13, which defines the slidable center guy line as having “a length greater than a maximum extended distance of the single outer cord ... such that an intermediate portion of the central line can be staked rearwardly of the single outer cord” so that all of the guylines and the entire rear arch are fully tensioned in a single step by hooking or looping an

intermediate portion of the *center* guy line with a single stake, and are thereafter adjustable via the sliding connection without having to undo the center guy line. Applicant has accordingly rolled the limitations of claims 11-13 into claim 10, rewritten claim 10 in independent form with some (but not all) of the limitations of claim 1, and has further clarified the significance of the longer central line by adding some of the language found in paragraph [0037] of the specification. Applicant has also amended “single outer *line*” to “single outer *cord*” to better distinguish it from the earlier-recited “outer lines”, without any change in meaning or scope. The foregoing is accordingly believed to traverse the rejection of claims 11-13 under §103 in view of the 1<sup>st</sup>-gen Squall.

Finally, the Examiner has rejected claims 1-4, 9, and 14 under 35 U.S.C. 103(a) in view of the published Coupounas application, but on the incorrect ground that the only difference between the Coupounas tent and applicant’s claimed shelter is that applicant’s is floorless, and that it would have been obvious to form Coupounas without a floor.

Applicant respectfully traverses this rejection as follows. The rejection fails to note a more fundamental difference, namely Coupounas’ “critical” reliance on an outwardly-angled front arch (see Fig. 4) versus applicant’s claimed vertical front support, and his rear arched opening protected from weather by a minimal awning 38 that seems to work best with a protective “end sheet” 30 (paragraphs 0022 and 0023), basically a zippered flap of waterproof canopy material with “the top six inches [being] entirely mesh to maintain at least some ventilation at all times” (paragraph 0024). (Applicant acknowledges that Coupounas cites an “alternative embodiment” with an all-mesh end sheet 30 for “maximum ventilation”, paragraph 0024, but in view of the focus on the weatherproof end-sheet elsewhere this seems to imply a sacrifice of weather protection.) Applicant’s combination of a vertical front

support, providing a more convenient vertical door and better front ventilation, connected in catenary tension to a rearwardly-angled rear arch that provides all the weather protection needed, results in a shelter with better overall ventilation while being better protected from bad weather by the rear tensioned awning.

Coupounas also lacks any teaching or suggestion of a catenary ridgeline, showing only a canopy tensioned flatly between the outwardly-angled front and outwardly-angled rear arches. The original inwardly-angled rear arch on the 1<sup>st</sup>-gen Squall was the by-product of an attempt to make the shelter with a vertical rear arch, caused by the complication of the catenary ridgeline; the result was the inwardly-leaning arch. For the present invention the inventor realized that an outwardly-angled arch was possible with the vertical front door and the catenary ridgeline, resulting in increased airflow and reductions in rear awning fabric and rear awning stress while continuing to provide full weather protection for the rear of the shelter. Applicant respectfully submits that nothing in Coupounas suggests this claimed combination.

Therefore, as noted above, the amendments to claim 1 emphasizing the combination including the vertical front door, catenary ridgeline, and rearwardly-angled rear arch and awning structure are believed to traverse this rejection.

This application is now believed to be in condition for allowance. If the Examiner has any questions, he is invited to contact applicant's undersigned attorney at 231-932-9752.

Respectfully submitted,

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